

AMENDED IN ASSEMBLY AUGUST 31, 2007

**SENATE BILL**

**No. 870**

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**Introduced by Senator Ridley-Thomas**

February 23, 2007

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An act to amend Section 19635 of the Government Code, relating to state employment.

LEGISLATIVE COUNSEL'S DIGEST

SB 870, as amended, Ridley-Thomas. State employment: adverse actions.

The California Civil Service Act authorizes an appointing power to take adverse action against an employee for specified causes for discipline and establishes administrative procedures for review of an adverse action by the State Personnel Board. The act requires an adverse action against a state employee to commence within 3 years of the cause for discipline, as specified.

This bill would require an adverse action against ~~an excluded a~~ *managerial, supervisory, or confidential* employee, as defined, to commence within one year of the cause for discipline.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 19635 of the Government Code is
- 2     amended to read:
- 3     19635. (a) No adverse action shall be valid against any state
- 4     employee for any cause for discipline based on any civil service
- 5     law of this state, unless notice of the adverse action is served within

1 three years after the cause for discipline, upon which the notice is  
2 based, first arose. Adverse action based on fraud, embezzlement,  
3 or the falsification of records shall be valid; if notice of the adverse  
4 action is served within three years after the discovery of the fraud,  
5 embezzlement, or falsification.

6 (b) Notwithstanding subdivision (a), no adverse action shall be  
7 valid against any ~~excluded employee, as defined in Section 3527~~  
8 *managerial employee, supervisory employee, or confidential*  
9 *employee, as defined in subdivisions (e), (f), and (g) of Section*  
10 *3513*, for any cause for discipline based on any civil service law  
11 of this state, unless notice of the adverse action is served within  
12 one year after the cause for discipline, upon which the notice is  
13 based, first arose. Adverse action based on fraud, embezzlement,  
14 or the falsification of records shall be valid; if notice of the adverse  
15 action is served within one year after the discovery of the fraud,  
16 embezzlement, or falsification.